

**AUGUST 17, 2010 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM # 3

PURPOSE

To consider a stipulation amendment for Pulte Home Corporation regarding application Z-13 (Altman, Kritzer and Levick, P.C.) of February 15, 2000 and Z-107 (Walton Communities, LLC) of July 19, 2005 for property located on the east side of Oakdale Road, north of Oakdale Estates Court in Land Lot 750, 751 and 762 of the 17th District.

BACKGROUND

The subject property was zoned to RA-5, RM-8 and RM-12 with many stipulations. The developer, local citizens and Commissioners recognized the historical importance of Civil War earthworks on the property which led to many stipulations protecting the earthworks. The subject of this request is the following stipulation:

“Conservation easement in favor of Cobb County for the historical open space area bounded by Oakdale Road with any access, if granted, to be handled by the County per subsequent decision of the Board of Commissioners, along with perpetual maintenance and preservation issues”

The applicant has submitted a proposal to address the issues in the stipulation. The applicant would convey the historical open space to the homeowners association (HOA) subject to a conservation easement in favor of Cobb County. The HOA would be responsible for maintaining the mulch path, as well as keeping the area free from weeds and undergrowth. The County would be responsible for preservation and major maintenance of the historical open space; major maintenance would include items such as tree maintenance. Residents of the subject property, and the general public would have access the historical open space. If approved, all other zoning stipulations would remain in effect. The Board of Commissioners' decision is attached (see Exhibit A). The request has been submitted to Staff, which has no comments.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners consider the proposed stipulation amendment.

ATTACHMENTS

Zoning stipulations (Exhibit A)

Other Business Application (Exhibit B)

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JULY 19, 2005
9:05 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, July 19, 2005, at 9:05 a.m. in the second floor public meeting room of the Cobb County building. Present and comprising a quorum of the Commission were:

Chairman Samuel S. Olens
Commissioner Helen Goreham
Commissioner Tim Lee
Commissioner Joe L. Thompson
Commissioner Annette Kesting

Z-107 **WALTON COMMUNITIES, LLC** (Cash Family, LP, Barry and Tammy Lovern, Evelyn Dobbs Boshier, Franklin Wayne Dobbs, D. J. Knight, Jr., Eric Cash and Triple Horseshoe, Inc., owners) requesting Rezoning from **R-20** to **RA-5** and **RM-8** for the purpose of Attached and Detached Residential in Land Lots 691, 750 and 763 of the 17th District. Located on the east side of Oakdale Road, south of the CSX railroad tracks, on the north and south sides of Park Avenue and Fort Street and on the east and west sides of Beech Street.

The public hearing was opened and Mr. John Moore, Ms. Mary Rose Barnes, Ms. Roberta Cook, Mr. Charlie Crawford, and Mr. Tony Waybright addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Thompson, second by Olens, to approve rezoning to the **R-20**, **RA-5** and **RM-8** zoning districts subject to:

- removal *without prejudice* of Tracts 1 and 2 shown as **RA-5** on the site plan received by the Zoning Department on June 29, 2005, from this rezoning application, said property to remain in the **R-20** zoning district (copy attached and made a part of these minutes *for reference only*)
- letter of agreeable stipulations from Mr. John Moore dated July 13, 2005, *not otherwise in conflict, with the following revisions:* (copy attached and made a part of these minutes)
 - General Stipulations Applicable to All Categories:
 - ❖ Paragraph 8: delete sentences 2 and 3, and add in lieu thereof the following: "*After the completion of construction, Applicant agrees to erect wrought iron type fencing with gate(s) around the front portion of the historical open space with black clad chain link fencing around a balance of the site, except as included with the adjoining property.*"
 - ❖ Paragraph 19: deleted in its entirety

- letter from Mr. Kent S. Levenson, Manager of Highland Terrace Investors, LLC, to Mr. David Knight, dated July 15, 2005 (copy attached and made a part of these minutes)
- letter from Mr. David Knight, Principal of Walton Communities, LLC, to Ms. Roberta Cook, dated July 18, 2005 (copy attached and made a part of these minutes)
- during the Plan Review period prior to permitting, Ms. Roberta Cook may seek a purchaser(s) for the land located in the historical area where the townhomes are depicted on the site plan referenced above between Oakdale Road and the historical area; if such purchaser(s) is found, the townhomes will be relocated to the interior of the development
- the greenspace in the area of the shoupades shall not be clear cut, except where necessary to achieve a visual line of sight between the shoupades
- if for any reason, Applicant does not build the proposed development, either the townhomes or the single-family homes, the District Commissioner must approve the selected substitute builder, the elevations, and the quality of past developments of said builder to insure the quality of this development
- the area near the shoupades shall be inspected by an expert for items of historical value within ninety (90) days after the closing on the property and prior to issuance of any land disturbance permits; said expert to be appointed by the Community Development Department
- Applicant agrees to provide prospective purchasers of the residences with a brochure outlining the history of the shoupades, which will be kept in the sales office for distribution with all promotional materials
- Applicant agrees to erect signage regarding the historical significance of the shoupades (similar to Trolley Line Park signage)
- all units facing Oakdale Road shall be rear loaded with front and side facades of brick, stone, stacked stone, cedar shake, stucco and combinations thereof
- Applicant agrees to a tree save area within the building setback areas of the homes where possible
- memorandum from Mr. Rob Hosack dated July 18, 2005, referencing "Identifying State Waters" (copy attached and made a part of these minutes)

- compliance with County Code regarding building setback from any streams/creeks on the property
- minimum 50-foot buffer around the historic area of the shoupadés and redans
- Applicant to consider applying for listing on the National Register of Historic Places and Cobb County Historic Register
- conservation easement in favor of Cobb County for the historical open space area bounded by Oakdale Road with any access, if granted, to be handled by the County per subsequent decision of the Board of Commissioners, along with perpetual maintenance and preservation issues
- Historic Preservation comments and recommendations, *with change to buffer as per site plan referenced above and installation of decorative fencing after completion of project*
- Cobb Fire Department comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- *revised* Cobb DOT comments and recommendations (copy attached and made a part of these minutes)
- owner/developer to enter into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of system improvements to mitigate traffic concerns

VOTE: ADOPTED unanimously

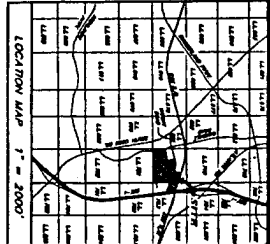
Item 03
Exhibit "A"
August 2010

Min. Bk. 36 Petition No. 2-107
Doc. Type Site Plan depicting Tracts
1+2 of RA-5 removed from consideration w/o prejudice
Meeting Date 7/19/05 (Cremar R-20)



SITE SUMMARY

TOTAL SITE AREA:	24.66 AC.
PRESIDENT ZONING:	R-20
PROPOSED ZONING:	RA-5 & RM-F
TOTAL LOTS SHOWN:	104
PROPOSED DENSITY:	4.22 UNITS/AC.
TOTAL OPEN SPACE:	7.41 AC.
	(30% OF TOTAL SITE)
RA-5 SECTION	
TOTAL AREA:	18.17 AC.
TOTAL LOTS SHOWN:	42
MINIMUM LOT SIZE:	2,000 SF.
BUILDING SETBACKS:	15' FRONT
	30' REAR
	15' SIDE
	10' BETWEEN WALLS
RM-F SECTION	
TOTAL AREA:	5.49 AC.
TOTAL LOTS SHOWN:	44
PROPOSED DENSITY:	8.0 UNITS/AC.



NOTES:

1. Developer agrees to assume all utility and easement obligations for the project.
2. All utility lines shown are approximate and subject to change.
3. All utility lines shown are subject to change.
4. All utility lines shown are subject to change.

SCALE: 1" = 200'

DATE: 7/19/05

BY: [Signature]

NOT ISSUED FOR CONSTRUCTION

WALTON COMMUNITIES

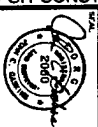
LAND LOTS 691, 750 & 763, 17th DISTRICT, 2nd SECTION,
COBB COUNTY, GEORGIA

SURVEYING • ENGINEERING • ENVIRONMENTAL

GASKINS

1286 POWDER SPRINGS ROAD
MARIETTA, GEORGIA 30064

PHONE: 770.424.7148
FAX: 770.424.7149
WWW.GASKINS-GE.COM



PROJECT NO.	1700
DATE	7/19/05
SCALE	1" = 200'
BY	[Signature]
CHECKED BY	[Signature]
DATE	8/13/09
PROJECT NAME	1700

MOORE INGRAM JOHNSON & STEEL

Item 03
Exhibit "A"
August 2010

A LIMITED LIABILITY PARTNERSHIP
192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MJS.COM

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON †
ROBERT D. INGRAM †
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK †
ALEXANDER T. GALLOWAY III †
J. KEVIN MOORE
RODNEY R. MCCOLLOCH
SUSAN S. STUART
DANIEL A. LANDIS ***
BRIAN D. SMITH

HARRY R. TEAR III
W. TROY HART †
JEFFREY A. DAXE
MELISSA W. GILBERT
TIMOTHY W. BAILEY
JOYCE W. HARPER
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NICHOLAS J. PETERSON †
JEFFREY K. STINSON
BENJAMIN A. WALDEN
ELIZABETH A. GUERRANT
JAMES D. WALKER III
CHRISTOPHER D. GUNNELS †
CHRISTOPHER L. MOORE
JENNIFER S. WHITE †
KHRISTIE L. KELLY †

RYAN G. PRESCOTT
RICARDO J. DAMEDEIROS
L. LAKE JORDAN
BRETT A. MILLER
JACQUELYN VAN TUYL **

OF COUNSEL:
MICHELLE S. DAVENPORT
JOHN L. SKELTON, JR.

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN OH
*** ALSO ADMITTED IN NC
* ADMITTED ONLY IN TN

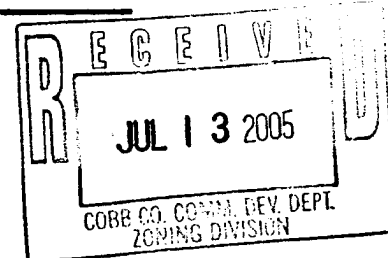
WRITER'S DIRECT
DIAL NUMBER

July 13, 2005

Min. Bk. 36 Petition No. Z-107
Doc. Type Letter of Agreeable
Stipulations
Meeting Date 7/19/05

Hand Delivered

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661



RE: Application for Rezoning
Application No.: Z-107 (2005)
Applicant: Walton Communities, LLC
Owners: Cash Family, L.P.; et al.
Property: 24.66 acres located on Oakdale
Road, Fort Drive; et al.,
Land Lots 691, 750, and 763,
17th District, 2nd Section,
Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent Walton Communities, as Applicant (hereinafter referred to as "Applicant"), and the Property Owners specifically enumerated in the Application (hereinafter collectively referred to as "Owners"), in their Application for Rezoning with regard to a total tract of approximately 24.66 acres located along the easterly side of Oakdale Road, Land Lots 691, 750, and 763, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). After meeting with planning and zoning staff, reviewing the staff comments and recommendations, meetings and discussions with area residents and homeowners association representatives, and reviewing the uses of surrounding properties, we have been authorized by the Applicant and Owners to submit this revised letter of agreeable stipulations and conditions, which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the

MOORE INGRAM JOHNSON & STEELE

Petition No. Z-107
Meeting Date 7/19/05
Continued

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Two
July 13, 2005

**Item 03
Exhibit "A"
August 2010**

requested zoning and shall be binding upon the Subject Property. This letter shall supersede and replace in full that certain letter of agreeable stipulations and conditions dated and filed June 29, 2005. The revised stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property.
- (2) Rezoning of the Subject Property shall be from the existing R-20 zoning category to the RA-5 and RM-8 zoning classifications, with reference to that certain revised Zoning Plat prepared for Walton Communities, LLC by Gaskins Surveying & Engineering Company, dated April 30, 2005, last revised May 27, 2005.
- (3) The Subject Property consists of approximately 24.66 acres and shall be developed for single-family residences and townhomes as hereinafter set forth.

GENERAL STIPULATIONS APPLICABLE TO ALL CATEGORIES

- (1) Signage for the proposed residential community shall be ground based, monument-style. Landscaping surrounding the entrance areas shall be professionally designed, landscaped, and maintained. Applicant agrees to place "Riverline" logo on street signs within the development.
- (2) The proposed residential community shall contain dedicated open space area containing approximately 7 acres. This open space area shall include walking trails for the use and benefit of the residents within the proposed residential community.
- (3) Applicant agrees to vary the styles and features of residences within the proposed residential community so as to allow for a aesthetically pleasing streetscape.

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Three
July 13, 2005

**Item 03
Exhibit "A"
August 2010**

- (4) The development shall have a total of one hundred one (101) units with a net density of 4.10 units per acre.
- (5) Applicant agrees that all lighting within the proposed development shall be environmentally sensitive, low-level luminous, so as to prevent light from penetrating onto adjacent properties, and shall be themed to the architecture of the residences.
- (6) Applicant agrees to the recording and enforcement of a Master Declaration of Restrictive Covenants which will contain covenants, rules, and regulations applicable to both the proposed RA-5 and RM-8 residential communities.
- (7) Additionally, and in conjunction with the Master Declaration of Restrictive Covenants, Applicant agrees to the creation of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of the entrance areas, signage, all common areas, and private streets contained within the proposed residential community.
- (8) Applicant agrees to incorporate into the proposed residential community, and set aside for preservation and protection, the Civil War trenches, earthworks, and Shoupades as more particularly shown and reflected on the referenced Zoning Plat. Applicant agrees to erect temporary chain link fencing around these areas during development and construction. After completion of construction, Applicant agrees to erect split-rail fencing, or other period appropriate fencing, around these areas.
- (9) The detention areas shall be fenced and landscaped for purposes of visual screening from adjacent developments. Said landscaping shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the residential community.

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Four
July 13, 2005

**Item 03
Exhibit "A"
August 2010**

- (10) Any fencing, as referenced above, for the detention area, shall be white picket fencing or wrought iron-type fencing, with landscaping to the exterior.
- (11) All utilities servicing the residences within the proposed residential community shall be underground.
- (12) Applicant agrees to construct internal sidewalks within the proposed residential community. Said sidewalks shall comply in all respects with Cobb County standards and ordinances.
- (13) Minor modifications to the referenced Zoning Plat, including, but not limited to, lot layout and stormwater control measures, may be approved by the District Commissioner, as needed or necessary.
- (14) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (15) All landscape and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.
- (16) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners, the Department of Transportation, or Community Development Agency, as their authority may allow which includes installation of the following:
 - (a) Construction of sidewalk ten (10) feet in width, curb, and gutter, along the entire frontage of the Subject Property on Oakdale Road; and
 - (b) Right-of-Way exchange on Fort Street (Drive) to accommodate improvements.

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Five
July 13, 2005

**Item 03
Exhibit "A"
August 2010**

- (17) Applicant agrees to stay involved with the proposed development until completed.
- (18) Applicant agrees for a period of five (5) years from the date of final zoning approval not to annex the Subject Property into the City of Smyrna.
- (19) Applicant agrees to relocate the proposed townhomes between Oakdale Road and the Civil War open space and convert such area to additional open space; conditioned upon the following:
 - (a) Applicant is able to timely assemble the real property located northerly of the Subject Property;
 - (b) The Cobb County Board of Commissioners agrees to rezone said assemblage to accommodate a relocation of the density lost by the relocation;
 - (c) An agreement establishing that some organization or governmental entity other than the proposed residents will have the responsibility for all maintenance and upkeep of the historical open space, including all costs associated therewith.
- (20) Applicant shall be given the flexibility to move units around so as to provide "line of sight" from one historical feature to another.

STIPULATIONS APPLICABLE TO THE RA-5 CLASSIFICATION

- (1) Approximately 19.17 acres of the Subject Property shall be rezoned from the existing R-20 zoning category to the proposed RA-5 zoning category, site plan specific to the revised Zoning Plat dated April 30, 2005, last revised May 27, 2005, prepared for Walton Communities, LLC by Gaskins Surveying & Engineering Company.

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Six
July 13, 2005

**Item 03
Exhibit "A"
August 2010**

- (2) The proposed RA-5 development shall contain a maximum of thirty-nine (39) residential lots with a total of fifty-seven (57) units. The three (3) lots and units contained within Tracts 1 and 2 of the Subject Property shall be deleted from this rezoning, and shall be reconsidered upon assemblage of surrounding property.

- (3) Residences to be constructed within the proposed RA-5 community shall be traditional and "craftsman" style in architecture and design and shall have two-car garages. The two styles of residences shall contain the following square footages:
 - (a) 2,000 square feet, ranging upwards to 3,000 square feet and greater; and
 - (b) 2,500 square feet, ranging upwards to 5,000 square feet and greater.

- (4) Additionally, the front, side, and rear facades of the residences shall be brick, stone, stacked stone, cedar-shake type, and masonry siding, or combinations thereof.

- (5) The minimum lot size for lots within the proposed RA-5 development is 7,000 square feet.

- (6) All front, side, and rear yards of the residences shall be sodded.

- (7) The setbacks for the proposed RA-5 community shall be as follows:
 - (a) Front setback - Fifteen (15) feet;
 - (b) Rear setback - Twenty (20) feet;
 - (c) Side setback - Zero (0) feet; and

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Seven
July 13, 2005

**Item 03
Exhibit "A"
August 2010**

- (d) Major side setback - Fifteen (15) feet;
(Ten (10) feet between structures).
- (8) The entrance to the portion of the proposed community located on the cul-de-sac street may be a gated entrance way located a minimum of fifty (50) feet from the existing right-of-way.

STIPULATIONS APPLICABLE TO THE RM-8 COMMUNITY

- (1) Approximately 5.49 acres of the Subject Property shall be rezoned from the existing R-20 zoning category to the proposed RM-8 zoning category, site plan specific to the revised Zoning Plat dated April 30, 2005, last revised May 27, 2005, prepared for Walton Communities, LLC by Gaskins Surveying & Engineering Company.
- (2) The proposed RM-8 development shall contain a maximum of forty-four (44) units.
- (3) The Subject Property will be developed for single-family, residential condominiums, under the Cobb County Condominium Ordinance, in the townhome style which shall be a maximum of three-stories in height and shall have two-car garages, as more particularly shown and reflected on the renderings to be presented to the Board of Commissioners at its Zoning Hearing.
- (4) Residences within the proposed RM-8 community shall be traditional and "craftsman," in style and architecture and shall have front facades of brick, stone, stacked stone, stucco-type, masonry siding, cedar shake shingles, or combinations thereof. The residences shall have front, rear, or side entrances, with two-car garages.

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Eight
July 13, 2005

**Item 03
Exhibit "A"
August 2010**

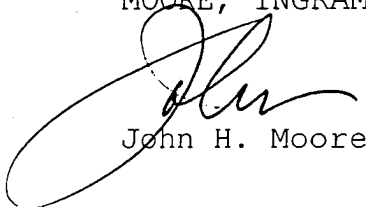
- (5) The square footage of the units within the proposed community shall have a minimum square footage of 1,600 square feet, ranging upwards to 2,500 square feet, or greater, of heated living space.
- (6) The proposed community shall be a condominium development as that term is used and defined under the Cobb County Zoning Ordinance and complying in all respects with the Cobb County Zoning Ordinance.
- (7) All units within the proposed community shall be "for sale" units only. A maximum of ten (10) percent of the proposed units may be leased at any one time.
- (8) Lighting within the proposed RM-8 community shall be environmentally sensitive, decorative, and themed to the architecture and style of the residences.
- (9) The front, side, and rear yards of all residences shall be sodded.

We believe the requested zoning, together with the revised Zoning Plat previously submitted and the revised stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the changing conditions of the area and the properties and owners thereof surrounding the proposed residential community. The residences shall be of the highest quality, shall be compatible with surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole. Thank you for your consideration of this development.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP


John H. Moore

MOORE INGRAM JOHNSON & STEELE

Petition No. Z-107
Meeting Date 7/19/05
Continued

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Nine
July 13, 2005

**Item 03
Exhibit "A"
August 2010**

c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
Helen C. Goreham
Annette Kesting
Joe L. Thompson
Tim Lee

Mr. Ron Sifen
Vinings Civic Association

Mr. Anthony L. Waybright
Ms. Mary Rose Barnes
Ms. Suzanne Ballew

Walton Communities, LLC

Item 03
Exhibit "A"
August 2010

HIGHLAND TERRACE INVESTORS, LLC

FILED WITH COUNTY CLERK THIS 19th DAY
OF July 2005 BY John Moore
RE Z-109
Gail K. Day
~~COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK~~
COBB COUNTY, GEORGIA

July 15, 2005

David Knight
Principal
Walton Communities, LLC
2181 Newmarket Parkway
Marietta, GA 30067

Min. Bk. 36 Petition No. Z-109
Doc. Type Letter from Mr. Kent
Levenson to Mr. David Knight
Meeting Date 7/19/05


Re:

Dear David:

As part of our desire to preserve the history of Cobb County and promote a sense of community, we would be willing to contribute funds to the beautification and preservation of the shoupades along our common boundary as well as explore a means of connecting our neighborhoods via walking trails or sidewalks.

We look forward to working with once your final plan has been approved.

Sincerely,


Kent S. Levenson
Manager

3348 Peachtree Road
Suite 250
Atlanta, GA 30326

PHONE (404) 442-7888
FAX (404) 442-7999



Min. Bk. 36 Petition No. Z-107
 Doc. Type Letter from Mr. David Knight to Ms. Roberta Cook
 Meeting Date 7/19/05

WALTON COMMUNITIES, LLC

Item 03
 Exhibit "A"
 August 2010

FILED WITH COUNTY CLERK THIS 19
 OF July 2005 BY John Moore
 RE Z-107
Mail R. Neal
 COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK-
 COBB COUNTY, GEORGIA

July 18, 2005

Ms. Roberta Cook
 5911 Graywood Circle
 Mableton, Georgia 30126

Re: Oakdale Road Assemblage

Dear Roberta:

It was a pleasure talking with you this morning by telephone as we continue to work together to develop a mutually beneficial site plan for the Oakdale Road assemblage. Please be assured that we understand fully the significance of this battlefield site and are trying to protect and preserve the earthworks as much as possible while still insuring that this is a viable development opportunity for Walton Communities and an attractive enhancement to the neighborhood.

In response to your letter dated July 14, 2005 and our discussion this morning, we will commit to meeting with Nick O'Connor of O'Connor Real Estate Company over the next three to four months to develop a plan which will preserve as much of the land surrounding the earthworks as is feasible for us. Please provide Nick's contact information and I will schedule a meeting as soon as possible.

Thank you for your willingness to work with us throughout this process. I feel confident that we will be able to develop a site plan that will benefit all parties involved.

Sincerely,

WALTON COMMUNITIES, LLC

W. David Knight

W. David Knight
 Principal

**Cobb County
Community
Development**

FILED WITH COUNTY CLERK THIS 19th DAY
OF July 2005 BY J. Thompson
RE Mail R. [unclear]
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK-
COBB COUNTY, GEORGIA

Memo

To: Commissioner Joe Thompson
From: Rob Hosack *Rob*
CC:
Date: July 18, 2005
Re: Identifying State Waters

Min. Bk. 36 Petition No. Z-107
Doc. Type Memorandum from
Mr. Rob Hosack
Meeting Date 7/19/05

As a follow up to our conversation earlier this morning, please be advised of our procedures for identifying state waters and associated undisturbed buffers:

Regardless of whether or not a state waterway is shown on a site plan that may be approved by the Board of Commissioners during rezoning, we will investigate for such during the plan review process.

If state water is determined to exist but was not shown on an approved rezoning site plan, we would require the applicant to redesign the site to accommodate the state water and associated undisturbed buffer. Hope this is helpful.

REVISED

Item 03
Exhibit "A"
August 2010

APPLICANT: Walton Communities, LLC

PETITION NO.:

PRESENT ZONING: R-20

PETITION FOR: RA-5, RM-8

TRANSPORTATION COMMENTS

Min. Bk. 38 Petition No. Z-107
Doc. Type Revised DOT Comments
and recommendations
Investigation and office review 7/19/05
Meeting Date

The following comments and recommendations are based on field investigation of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	CLASSIFICATION	MIN. R.O.W. REQUIREMENTS
Oakdale Road	1660	Minor Collector	60'
Fort Drive	NA	Local	50'
Beech Street	NA	Local	50'
Park Avenue	NA	Local	50'

Based on 2003 traffic counting data taken by GADOT.

Oakdale Road is classified as a Minor Collector and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

Fort Street is classified as a Local and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

Beech Street is classified as a Local and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

Park Avenue is classified as a Local and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

As necessitated by this development for egress from Oakdale Road, a minimum 150' deceleration lane will be required.

Install sidewalk, curb and gutter along all road frontages.

Exchange right-of-way along Fort Drive to remove the horizontal curve.

Gated entrance needs to be a minimum 50' from right-of-way with an escape route between the callbox and gate.

No on-street parking.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the north and south sides of Fort Drive, a minimum of 25' from the roadway centerline; b) donation of right-of-way on the east and west sides of Beech Street, a minimum of 25' from the roadway centerline; c) donation of right-of-way on the north, south and west sides of Park Avenue, a minimum of 25' from the roadway centerline.

Recommend a right-of-way exchange for the alignment improvements along Fort Drive.

Recommend a 150' deceleration lane on Oakdale Road at Fort Street.

Item 03
Exhibit "A"
August 2010

APPLICANT: Walton Communities, LLC

PETITION NO.:

PRESENT ZONING: R-20

PETITION FOR: RA-5, RM-8

TRANSPORTATION COMMENTS cont.

Petition No. Z-107
Meeting Date 7/19/05
Continued

Recommend installing sidewalk, curb and gutter along all road frontages.

Recommend gated entrance be a minimum of 50' from the right-of-way with an adequate escape route between the callbox and the gate.

Recommend no on-street parking.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Minutes of the meeting of the Cobb County Board of Commissioners' Zoning Hearing held on February 17, 2000 in the Second Floor Commissioners' Meeting Room, Cobb County Building, 100 Cherokee Street, Marietta, Georgia.

The meeting was called to order at 9:00 a.m. and the following members of the Cobb County Board of Commissioners were present and representing the entire Board:

BOARD OF COMMISSIONERS

Bill Byrne, Chairman
G. Woody Thompson
Samuel S. Olens
Joe L. Thompson
Louie Hunter

Upon call to order, Chairman Byrne explained the procedures to be used in the public hearing. To accommodate those in attendance, early head counts of opposition were taken on several petitions.

Z-13 **ALTMAN, KRITZER AND LEVICK, P.C.** (Daniel J. Miles, owner) for Rezoning from RM-12 to RM-12 with stipulations for the purpose of Allowing an Existing Apartment Complex in Land Lots 751 and 762 of the 17th District. Located on the east side of Oakdale Road, north of Misty Lane. The Board of Commissioners, as part of the Consent Agenda, approved Rezoning to the RM-12 zoning district subject to: 1) Stormwater Management Division comments and recommendations; 2) Cobb DOT comments and recommendations; 3) revised site plan submitted at the public hearing showing/allowing the existing development of 183 units and indicating trenches on site (reduced copy of site plan is attached and made a part hereof). Motion by W. Thompson, carried 5-0.

Item 03
Exhibit "A"
August 2010

MILES-CANON RIDGE, IL
CAPITAL CORPORATION
ASSIGNS & CHICAGO ILL
LAND TOTAL 15.039 ACRES
COUNTY
SCALE 1" = 80'

TOTAL ACRES = 15.039
688,947 SQ. FT.

TOTAL PLANNING SPACES = 236 THRU 100,000 SQ. FT.
ADDRESS KNOWN AS 4939 DANDALE ROAD



Large plan in zoning file

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED BY THE UTILITIES COMPANIES AND ARE SHOWN FOR THE INFORMATION OF THE APPLICANT AND THE PUBLIC. THE UTILITIES COMPANIES HAVE BEEN ADVISED THAT THE LOCATION OF THE UTILITIES DOES NOT WARRANT THAT THE UTILITIES ARE ACCURATELY LOCATED AS SHOWN. THE APPLICANT SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF THE UTILITIES AS SHOWN. THE UTILITIES COMPANIES SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF THE UTILITIES AS SHOWN.

- GENERAL NOTES
1. PROPERTY ZONED - MULTI-RESIDENTIAL, M.U. 17-100-7.
 2. SETBACKS - FRONT - 30', SIDE - 30', REAR - 30'.
 3. 170' SIDE-SETBACK ZONING REQUIREMENT.
 4. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN IS BASED ON THE LOCATION OF THE UTILITIES AS SHOWN ON THE PLANS.

BASED ON THE INFORMATION SHOWN ON THE FLOOD HAZARD MAP, THE PROPOSED DEVELOPMENT IS NOT LOCATED IN A FLOOD HAZARD AREA. THE DEVELOPER SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF THE UTILITIES AS SHOWN.

THE DATA SHOWN ON THIS PLAN WAS OBTAINED FROM THE RECORDS OF THE CHICAGO PLANNING DEPARTMENT AND IS SUBJECT TO THE ACCURACY OF THE DATA AS SHOWN. THE DATA WAS OBTAINED USING A TOPCON GTS 10 TOTAL STATION AND WAS ADJUSTED USING THE COMBINED METHOD.

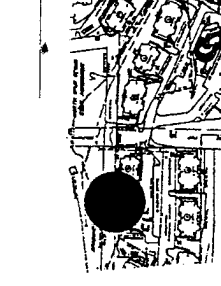
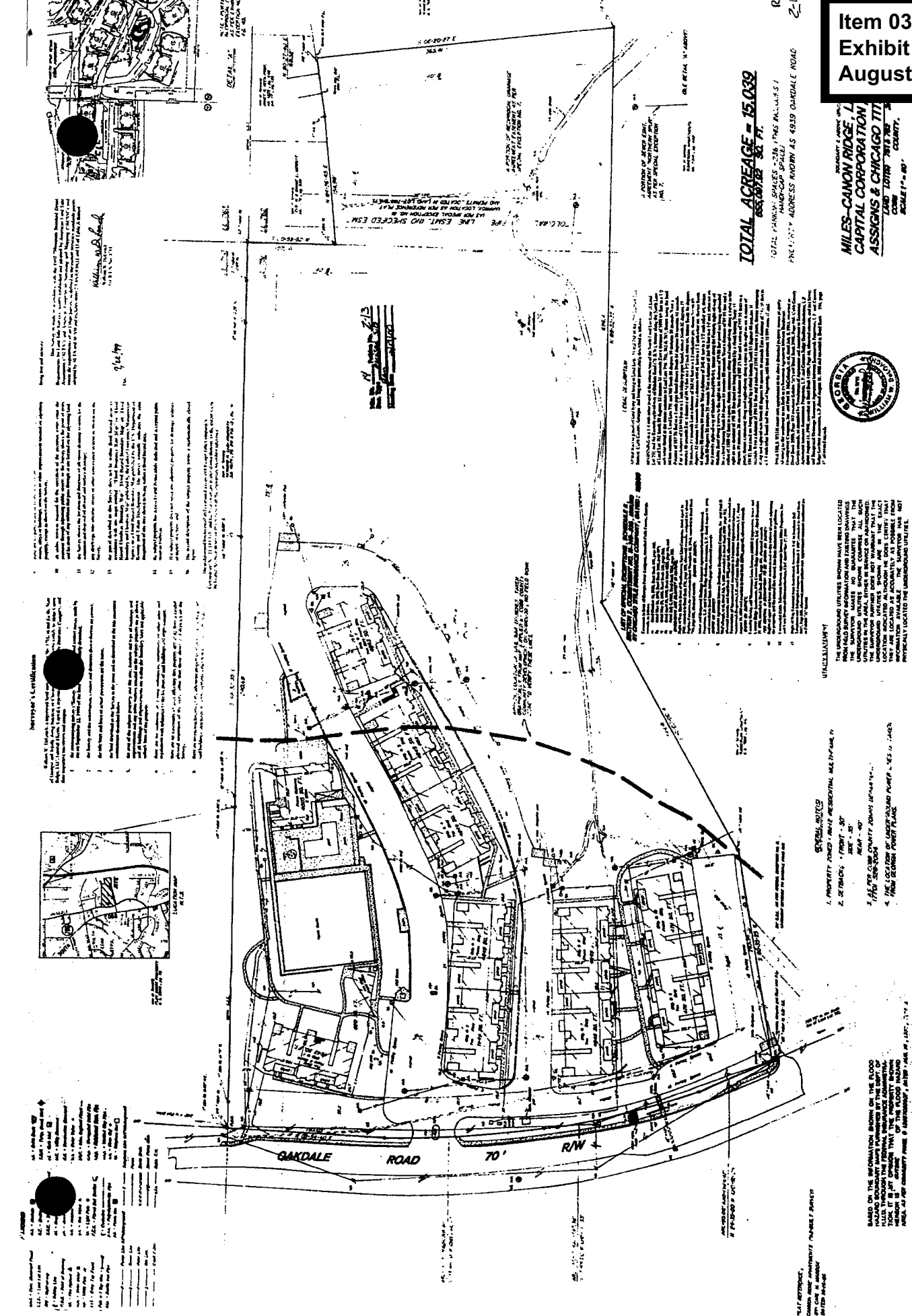
THE APPLICANT HAS BEEN ADVISED THAT THE LOCATION OF THE UTILITIES DOES NOT WARRANT THAT THE UTILITIES ARE ACCURATELY LOCATED AS SHOWN. THE APPLICANT SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF THE UTILITIES AS SHOWN. THE UTILITIES COMPANIES SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF THE UTILITIES AS SHOWN.

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9/14/10

William D. Smith
CITY ENGINEER

1. The applicant has been advised that the location of the utilities does not warrant that the utilities are accurately located as shown. The applicant shall be responsible for verifying the location of the utilities as shown. The utilities companies shall be responsible for verifying the location of the utilities as shown.

2. The applicant has been advised that the location of the utilities does not warrant that the utilities are accurately located as shown. The applicant shall be responsible for verifying the location of the utilities as shown. The utilities companies shall be responsible for verifying the location of the utilities as shown.

3. The applicant has been advised that the location of the utilities does not warrant that the utilities are accurately located as shown. The applicant shall be responsible for verifying the location of the utilities as shown. The utilities companies shall be responsible for verifying the location of the utilities as shown.

4. The applicant has been advised that the location of the utilities does not warrant that the utilities are accurately located as shown. The applicant shall be responsible for verifying the location of the utilities as shown. The utilities companies shall be responsible for verifying the location of the utilities as shown.

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 18, 2005
9:05 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, October 18, 2005, at 9:05 a.m. in the second floor public meeting room of the Cobb County building. Present and comprising a quorum of the Commission were:

Chairman Samuel S. Olens
Commissioner Helen Goreham
Commissioner Joe L. Thompson
Commissioner Tim Lee
Commissioner Annette Kesting

ITEM #4:

To consider a site plan approval for Easlan Capital of Atlanta, Inc. regarding Z-13 (Altman, Kritzer and Levick, P.C.) of February 15, 2000, for property located on the east side of Oakdale Road, north of Misty Lane in Land Lots 751 and 762 of the 17th District.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding request for site plan approval. The public hearing was opened and Mr. John Moore, Ms. Mary Rose Barnes, and Mr. Ron Sifen addressed the Board. Following presentations and discussion, the following motion was made

MOTION: Motion by Thompson, second by Kesting, to **approve** site plan for Easlan Capital of Atlanta, Inc. regarding Z-13 (Altman, Kritzer and Levick, P.C.) of February 15, 2000, for property located on the east side of Oakdale Road, north of Misty Lane in Land Lots 751 and 762 of the 17th District **subject to:**

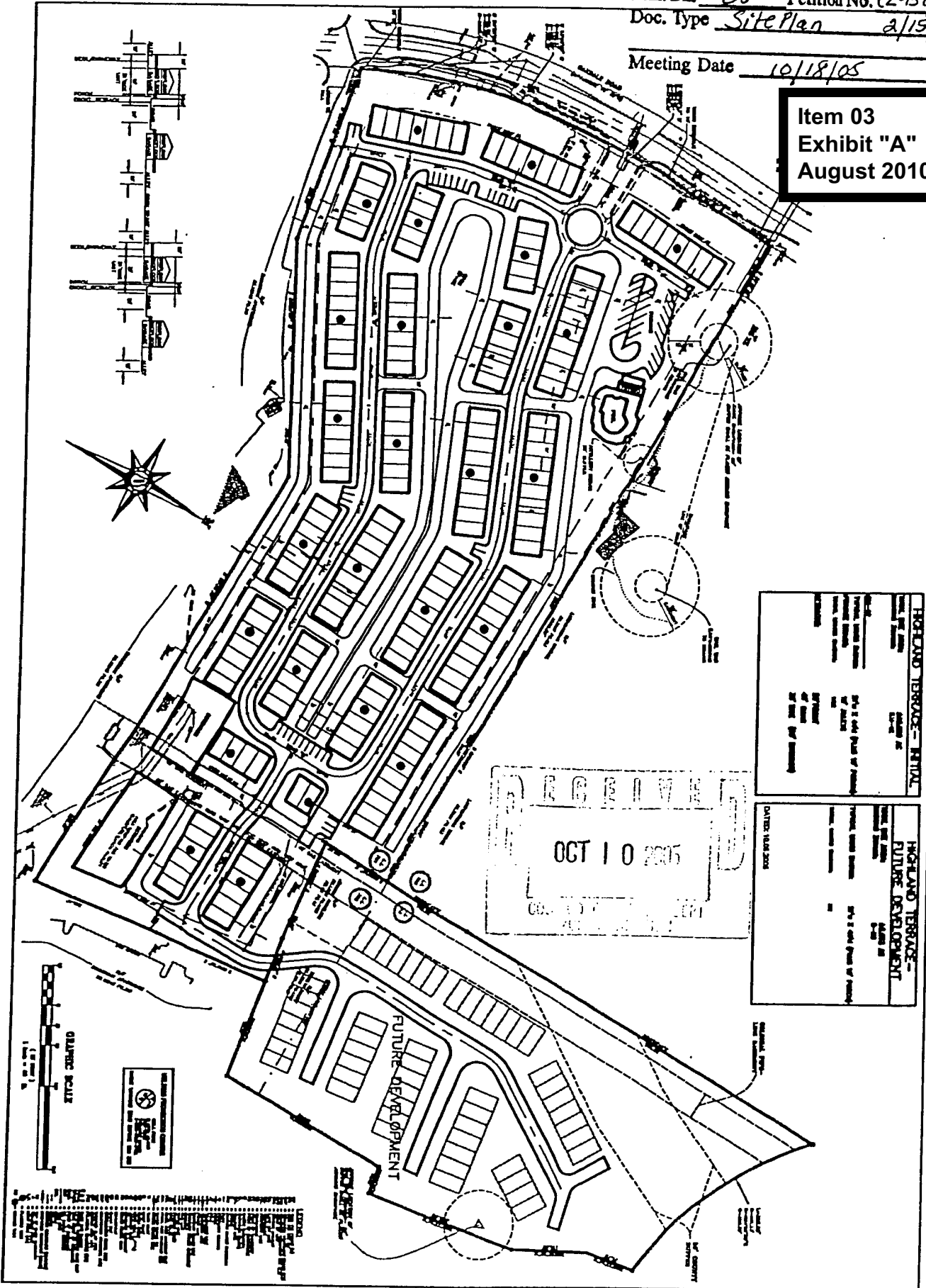
- site plan received in the Zoning Division October 10, 2005 (copy attached and made a part of these minutes)
- request/stipulation letter from Mr. John Moore, dated October 10, 2005, *with the following revisions:* (copy attached and made a part of these minutes)
 - change paragraph 3 as indicated on the letter
 - add new paragraph 18 to read as follows: "It is understood by the County that the Applicant is entitled up to a fifteen percent (15%) bonus; however, the Applicant would need to submit a new site plan before a building permit is issued.
 - Add new paragraph 19 to read as follows: "A mandatory homeowners association will be established for the development."
 - Add new paragraph 20 to read as follows: "Each house to unit to have a two-car garage."
 - Add new paragraph 21 to read as follows: "A maximum ten percent (10%) of the units shall be 'rental' units."
- memorandum from Mr. John Nash, Jr., Chairman, Cobb County Historic Preservation Commission, dated October 13, 2005
- Stormwater Management Division comments and recommendations, *to include memorandum from Mr. G. H. Mingledorff dated October 14, 2005* (copy attached and made a part of these minutes)
- Cobb DOT comments and recommendations (copy attached and made a part of these minutes)
- all other previously approved conditions/stipulations to remain in full force and effect

VOTE: **ADOPTED** unanimously

Min. Bk. 38 Petition No. (Z-130)
 Doc. Type Site Plan 2/15/00
 Meeting Date 10/18/05

OB#4

Item 03
 Exhibit "A"
 August 2010



HIGHLAND TERRACE - FUTURE DEVELOPMENT
 TOTAL AREA: 10.00 ACRES
 TOTAL AREA OF IMPROVEMENTS: 10.00 ACRES
 TOTAL AREA OF OPEN SPACE: 0.00 ACRES
 TOTAL AREA OF PAVED SURFACES: 0.00 ACRES
 TOTAL AREA OF UNPAVED SURFACES: 0.00 ACRES
 TOTAL AREA OF WATER BODIES: 0.00 ACRES
 TOTAL AREA OF UTILITIES: 0.00 ACRES
 TOTAL AREA OF OTHER: 0.00 ACRES

HIGHLAND TERRACE - FUTURE DEVELOPMENT
 TOTAL AREA: 10.00 ACRES
 TOTAL AREA OF IMPROVEMENTS: 10.00 ACRES
 TOTAL AREA OF OPEN SPACE: 0.00 ACRES
 TOTAL AREA OF PAVED SURFACES: 0.00 ACRES
 TOTAL AREA OF UNPAVED SURFACES: 0.00 ACRES
 TOTAL AREA OF WATER BODIES: 0.00 ACRES
 TOTAL AREA OF UTILITIES: 0.00 ACRES
 TOTAL AREA OF OTHER: 0.00 ACRES

RECEIVED
 OCT 10 2005
 COUNTY CLERK'S OFFICE
 CLAY COUNTY, GEORGIA

LEGEND
 1. EXISTING IMPROVEMENTS
 2. PROPOSED IMPROVEMENTS
 3. FUTURE DEVELOPMENT
 4. UNPAVED SURFACES
 5. PAVED SURFACES
 6. WATER BODIES
 7. UTILITIES
 8. OTHER

THIS PLAN WAS PREPARED BY HAYES, JAMES & ASSOCIATES, INC. UNDER CONTRACT TO THE CLAY COUNTY BOARD OF COMMISSIONERS. THE PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF HAYES, JAMES & ASSOCIATES, INC.

NO.	DESCRIPTION	AREA (AC)	PERCENT	TOTAL
1	EXISTING IMPROVEMENTS			
2	PROPOSED IMPROVEMENTS			
3	FUTURE DEVELOPMENT			
4	UNPAVED SURFACES			
5	PAVED SURFACES			
6	WATER BODIES			
7	UTILITIES			
8	OTHER			
TOTAL				

PRELIMINARY SITE PLAN
 FOR
 HIGHLAND TERRACE
 CLAY COUNTY, GEORGIA
 LAND LOTS 101, 102 & 103, 1700, 1700, 1700, AND 1700

HAYES, JAMES & ASSOCIATES
 INC. ENGINEERS, PLANNERS & ARCHITECTS
 1000 W. BROADWAY, SUITE 1000
 ATLANTA, GEORGIA 30333
 (404) 525-1000
 FAX (404) 525-1001
 www.hjayes.com

MORE INGRAM JOHNS & STEELE

A LIMITED LIABILITY PARTNERSHIP
192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MIJS.COM

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK†
ALEXANDER T. GALLOWAY III†
J. KEVIN MOORE
RODNEY R. MCCOLLOCK
SUSAN S. STUART
DANIEL A. LANDIS™
BRIAN D. SMITH

HARRY R. TEAR III
W. TROY HART†
JEFFREY A. DAXE
MELISSA W. GILBERT
TIMOTHY W. BAILEY
JOYCE W. HARPER
AMY K. WEBER
COURTNEY H. MOORE
KIM A. ROPER
TARA C. RIDDLE
JOSHUA M. BOOTH*
KELLIL WOLK
C. LEE DAVIS
TANYA L. CROSSE*
ROBERT W. BROWN II
VICTOR P. VALMUS
JEFFERY L. DICKERSON

MAIN OFFICE

POST OFFICE BOX 3305
MARIETTA, GEORGIA 30061

TELEPHONE (770) 429-1499
TELECOPIER (770) 429-8631

TENNESSEE OFFICE

CEDAR RIDGE OFFICE PARK
SUITE 463
408 N. CEDAR BLUFF ROAD
KNOXVILLE, TENNESSEE 37923

TELEPHONE (865) 692-9039
TELECOPIER (865) 692-9071

Item 03
Exhibit "A"
August 2010

T. SHANE MAYES
ANGELA H. SMITH
OPHELIA W. CHAN
MEREDITH M. MILBY
DARRELL L. SUTTON
KASI R. WHITAKER
AUTUMN L. VEAZEY
NICHOLAS J. PETERSON†
JEFFREY K. STINSON
BENJAMIN A. WALDEN
ELIZABETH ANN GUERRANT
JAMES D. WALKER III
CHRISTOPHER D. GUNNELS*
CHRISTOPHER L. MOORE
JENNIFER S. WHITE*
KRISTIE L. KELLY†
RYAN G. PRESCOTT

RICARDO J. DOMEDEIROS
L. LAKE JORDAN
BRETT A. MILLER
JACQUELYN VAN TUYL**

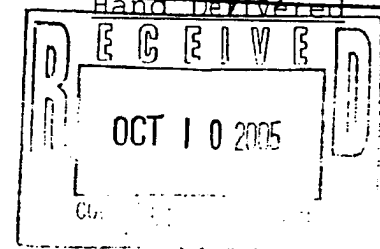
OF COUNSEL:
MICHELLE S. DAVENPORT
JOHN L. SKELTON, JR.

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN OH
*** ALSO ADMITTED IN NC
• ADMITTED ONLY IN TN

WRITER'S DIRECT
DIAL NUMBER

October 10, 2005

Min. Bk. 38 Petition No. OB#4 (2-130) 2/15/00
Doc. Type request/stipulation
letter
Meeting Date 10/18/05



Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

RE: Application for Site Plan Amendment

Applicant: Easlan Capital of Atlanta, Inc.
Property: 15.039± acres located on the
east side of Oakdale Road,
Land Lots 691, 751, and 762,
17th District, 2nd Section,
Cobb County, Georgia

Dear Mark:

On September 15, 2005, the undersigned and this firm submitted on behalf of Easlan Capital of Atlanta, Inc. (hereinafter referred to as "Applicant") an Application for Site Plan Amendment. This letter will supersede and replace in full the previous request and will constitute a revised Application for Site Plan and Stipulation Amendment for the above-referenced real property. As previously stated, the site is currently zoned RM-12 and is utilized as an apartment complex known as "Highland Terrace," formerly known as "Cannon Ridge," and containing 182 rental units (hereinafter referred to as the "Subject Property").

The purpose of this amendment is to replace the existing apartment, rental units with "for sale" condominiums in the townhome style. Pursuant to the Board of Commissioners' recent amendments to the Zoning Ordinance, this would entitle the Applicant to a bonus equal to fifteen (15) percent of the existing units or a total of 210 "for sale" units.

MOORE INGRAM JOHNSON & STEELE

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page Two
October 10, 2005

Petition No. OB#4
(Z-13 of 2/15/00)
Meeting Date 10/18/05
Continued

Item 03
Exhibit "A"
August 2010

Applicant agrees to the following zoning conditions and stipulations, which if the amendment is approved, as submitted, shall be binding upon and shall be considered a part of the zoning for the Subject Property:

- (1) The amendment shall be site plan specific to that certain revised Preliminary Site Plan dated September 23, 2005, prepared for "Highland Terrace" by Hayes, James & Associates, submitted contemporaneously herewith.
- (2) Applicant has submitted the within referenced, revised Preliminary Site Plan reflecting thereon a total of one hundred eighty-two (182) units rather than the originally submitted two hundred ten (210) units because Applicant believes that it is a better and more upgraded plan and product.
- (3) In this regard, it is Applicant's intention, ~~if it is able to acquire an adjoining 6.073 acre tract, to shift the remaining density (the density between 210 units and 182 units) to said tract.~~ This would result in a total of fifty-two (52) units on the adjoining tract, or 8.56 units per acre. This proposed procedure would, of course, have to go through the normal zoning process as to the adjoining tract.
- (4) All proposed new units will be "for sale" condominium units in the townhome style.
- (5) All units facing Oakdale Road will be rear entry and shall have front facades of brick, stone, stacked stone, with cedar shake type and hardi-plank type accents.
- (6) There shall be a fifty (50) foot buffer and radius around the Civil War Shoupade located on the northerly property line, as more particularly shown and reflected on the referenced Preliminary Site Plan.

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page Three
October 10, 2005

Item 03
Exhibit "A"
August 2010

- (7) Applicant agrees to a five (5) foot pedestrian path from Oakdale Road to the Civil War Shoupade along its northern property line and will provide space for parking of up to five (5) vehicles along Oakdale Road for the purpose of parking, should the Cobb County Department of Transportation determine that parking in this location is appropriate.
- (8) There shall be a buffer twenty-five (25) feet in width surrounding the artillery redan located along the northerly property line, as more particularly shown and reflected on the referenced Preliminary Site Plan.
- (9) Applicant further agrees to locate within the twenty-five (25) foot buffer area around the artillery redan a period cannon.
- (10) All interior street signage will utilize the Riverline Historic area signage type.
- (11) Applicant agrees to provide to prospective purchasers within the marketing brochures for the proposed development historical information relating to the Civil War features located within or adjacent to the Subject Property.
- (12) Applicant agrees to construct and install a multi-use path ten (10) feet in width along the Property's frontage with Oakdale Road.
- (13) Along the development's frontage with Oakdale Road, Applicant agrees to construct wrought iron-type fencing with brick/stone columns. The entrance shall utilize monument-style, ground-based signage and the entrance and the area within the front setback along Oakdale Road shall be professionally designed and landscaped and maintained by the homeowners association.
- (14) Applicant agrees not to annex the Subject Property into the City of Smyrna for a period of five (5) years from the date of final approval.

MOORE INGRAM JOHNSON & STEELE

Petition No. DB#4(2-13 of 2/15/00)
Meeting Date 10/18/05
Continued

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page Four
October 10, 2005

Item 03
Exhibit "A"
August 2010

- (15) The proposed residential units shall range in square footage from a minimum of 2,000 gross square feet to 2,400 gross square feet and greater.
- (16) The front facades of the units contained within the interior of the development shall have varying materials and architectural themes, so as to avoid a sameness of appearance.
- (17) Minor modifications to the referenced Site Plan, including, but not limited to, the layout of buildings, and stormwater control measures, may be approved by the District Commissioner, as needed or necessary.

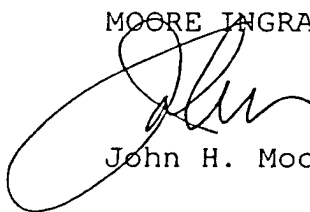
Thank you for your consideration in this matter. We look forward to confirmation of this item on the requested Zoning Hearing agenda and receipt of the signs in order to meet the requisite posting date.

If you should have any questions or require additional information, please do not hesitate to contact me.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Enclosures

c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
Helen C. Goreham
Annette Kesting
Joe L. Thompson
Tim Lee
(With Copy of Enclosure)

MOORE INGRAM JOHNSON & STEELE

Petition No. OB#4 (Z-13 of 2/15/00)
Meeting Date 10/18/05
Continued

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page Five
October 10, 2005

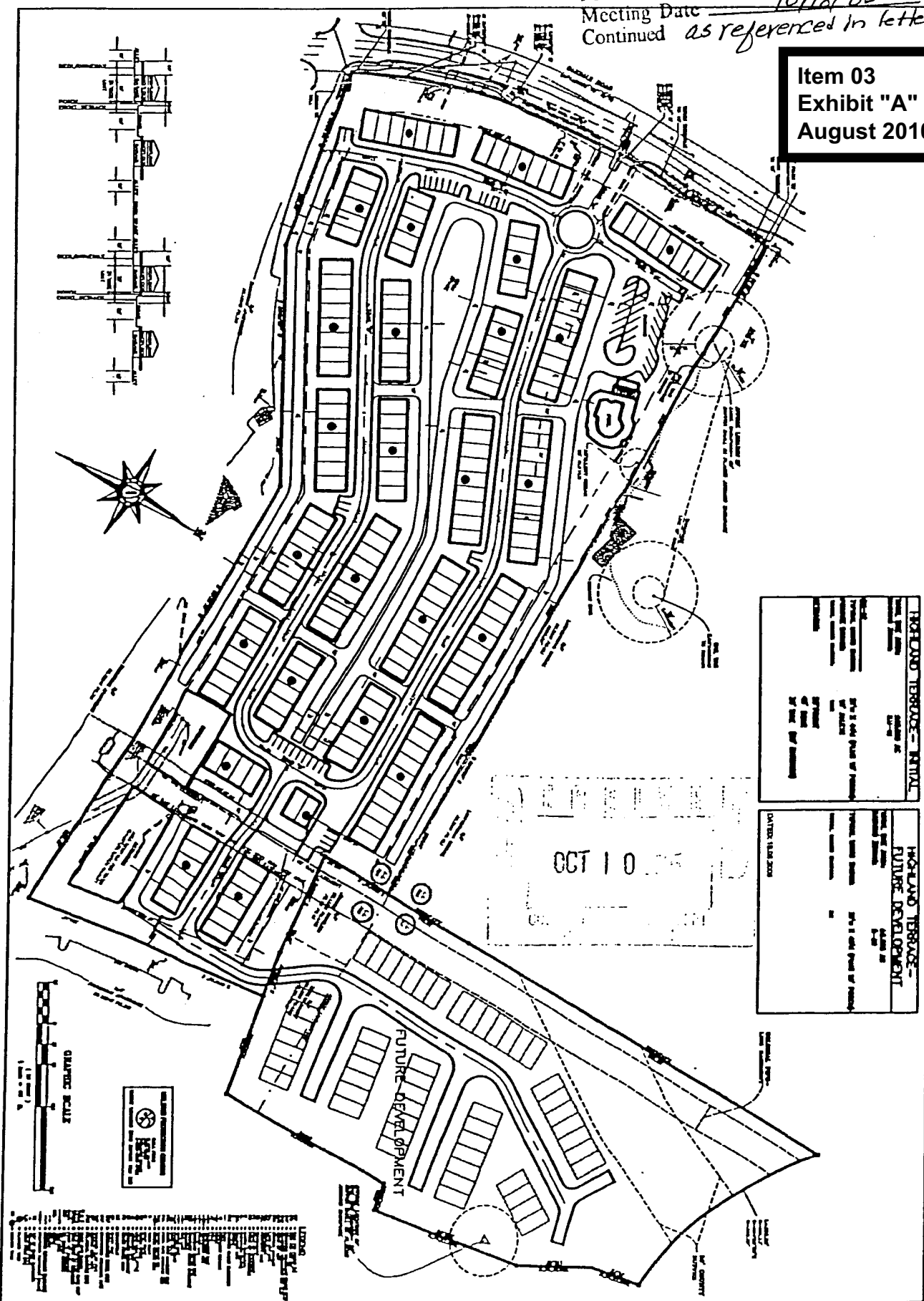
Item 03
Exhibit "A"
August 2010

c: Ms. Mary Rose Barnes
Mr. Anthony Waybright
Ms. Suzanne Ballew
(With Copy of Enclosure)

Easlan Capital of Atlanta, Inc.
(With Copy of Enclosure)

Petition No. OB#4 (2-13/2/1500)
Meeting Date 10/18/85
Continued as referenced in letter

Item 03
Exhibit "A"
August 2010



Lot #	Area	Area (sq ft)
1
2
3
4
5
6
7
8
9
10

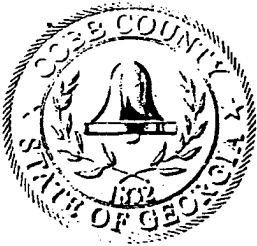
Lot #	Area	Area (sq ft)
11
12
13
14
15
16
17
18
19
20

Symbol	Description
...	...
...	...
...	...

Lot #	Area	Area (sq ft)
...
...
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PRELIMINARY SITE PLAN
FOR
HIGHLAND TERRACE
COBB COUNTY, GEORGIA
LAND LOTS 491, 741 & 742, 1704 BUCKINGHAM, AND 1800

H HAYES, JAMES & ASSOCIATES
Professional Planning & Surveying
7700 Peachtree Dunwoody Road, Suite 100
Dunwoody, Georgia 30328
Phone: 404-468-8800



COBB COUNTY WATER SYSTEM

Field Operations Center
680 South Cobb Drive
Marietta, Georgia 30060-3113

Item 03
Exhibit "A"
August 2010

Director

Min. Bk. 38 Petition No. ^{OB#4} (2-138, 2/15/00)
Doc. Type Memorandum from
Mr. GH Mingedorb
Meeting Date 10/18/05

DIVISIONS:
Business Services
Customer Services
Engineering & Records
Solid Waste
Stormwater Management
System Maintenance
Water Protection

Date: October 14, 2005

Memo: Mark Danneman, Manager
Zoning Division, Community Development

Subject: Other Business # 4 BOC 10-18-05
Easlan Capital of Atlanta, Incorporation
Conversion Cannon Ridge Apartments to Highland Ridge Condos
Oakdale Road
LL 691, 751, 762 / 17th

COBB COUNTY GEORGIA
FILED
2005 OCT 17 PM 1:4
COBB COUNTY RECORDS OFFICE

Reference: Revised Plan transmitted by October 10, 2005 revised Letter of Stipulations over hand of John Moore, Esq., and hand delivered to Zoning, October 10, 2005. Stormwater Management received copy form Oakdale Civic Organization October 14, 2005 ergo the late hour of this response.

Revised Plan

- (1) Adds acreage to northeast for future development in a similar manner;
- (2) Locates a civil war earthwork in that northeast acreage;
- (3) Adds alleyways to serve the rear of condos in main tract in addition to the streets in front of the condos;
- (4) Revises the layout of the recreation area pressing against the buffer of the civil war earthwork along the north property line; and
- (5) Makes minor adjustments in various buildings to reduce unit numbers to 182 from the 210 of the original submittal.

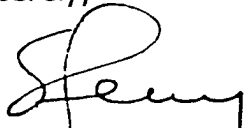
In general the Stormwater Management comments last submitted to you in September 20, 2005 memo remain in force. New comments sparked by the changes are:

- (6) Stormwater Management opposition to front road and alleyways as excessive increase in pavement when various Federal / State / County Regulations are calling for less; and

(7) Presence of flood hazard on the future development acreage, which is not shown on the plan, must be addressed prior to Plan Review.

**Item 03
Exhibit "A"
August 2010**

Sincerely,



G.H. Mingledorff, P. E., RLS
Senior Engineer, Stormwater Management

- Cc: Chairman Sam Olens
- Commissioner Helen Goreham
- Commissioner Joe L Thompson
- Commissioner Tim Lee
- Commissioner Annette Kesting
- David Hankerson, County Manager
- Bob Brice, Director, Water System
- Rob Hosack, Director, Community Development
- Bill Higgins, Stormwater Management
- Gail Huff, Assistant County Clerk
- Sandra Richardson, Deputy County Clerk
- John H. Moore, Esq.

APPLICANT: Easlan Capital of Atlanta, Inc.

PETITION NO.: Other Business

PRESENT ZONING: RM-12

PETITION FOR: Site Plan Amendment

TRANSPORTATION COMMENTS

**Item 03
Exhibit "A"
August 2010**

The following comments and recommendations are based on field investigation and of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	CLASSIFICATION	MIN. R.O.W. REQUIREMENTS
Oakdale Road	1660	Minor Collector	60'

Based on 2003 traffic counting data taken by GADOT.

Oakdale Road is classified as a Minor Collector and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

As necessitated by this development for egress from Oakdale Road, a minimum 150' deceleration lane and a left turn lane will be required.

Install 10' sidewalk, curb and gutter along all road frontages.

No designated parking within the right-of-way as requested in item 5 of the September 15, 2005 stipulation letter.

RECOMMENDATIONS

Recommend a 150' deceleration lane and a left turn lane on Oakdale Road.

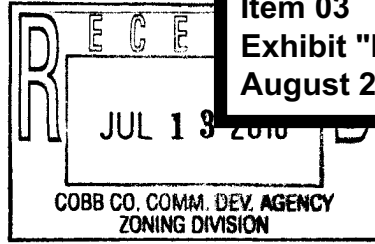
Recommend installing 10' multi-use sidewalk, curb and gutter along all road frontages.

Recommend no designated parking within public right-of-way.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Min. Bk. 38 Petition No. OB#4 (I-13g 2/15/00)
Doc. Type Cobb DOT comments and recommendations
Meeting Date 10/18/05

Item 03
Exhibit "B"
August 2010



Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2045)

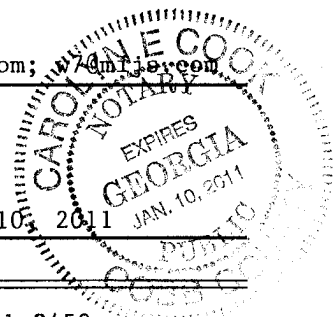
BOC Hearing Date Requested: 08/17/2010

Applicant: Pulte Home Corporation Phone #: (770) 381-3450
(applicant's name printed)

Address: Suite 600, 2475 Northwinds Parkway, E-Mail: ted.turner@pultegroup.com
Moore Ingram Johnson & Steele, LLP Alpharetta, GA 30004

John H. Moore Address: Emerson Overlook, 326 Roswell Street
(representative's name, printed) Marietta, GA 30060

BY: [Signature] Phone #: (770) 429-1499 E-Mail: jmoore@mij.com; jmoore@mijs.com
(representative's signature) Georgia Bar No. 519800



Signed, sealed and delivered in presence of:

Carolyn E. Cook My commission expires: January 10, 2011
Notary Public

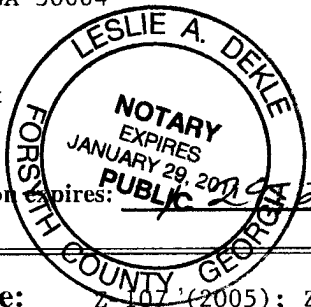
Titleholder(s): Pulte Home Corporation Phone #: (770) 381-3450
(property owner's name printed)

Address: Suite 600, 2475 Northwinds Parkway, E-Mail: ted.turner@pultegroup.com
Alpharetta, GA 30004

BY: Ted Turner
(Property owner's signature) Ted Turner
Vice President, Land Development
Georgia Division

Signed, sealed and delivered in presence of:

Leslie A. DeKle My commission expires: January 29, 2011
Notary Public



Commission District: 2 **Zoning Case:** Z-107 (2005); Z-13 (2000)

Date of Zoning Decision: 07/19/2005 **Original Date of Hearing:** 07/19/2005
02/17/2000; 10/18/2005 (OB) 02/17/2000

Location: Easterly side of Oakdale Road; Southerly side of Fort Street
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 750, 751 **District(s):** 17th

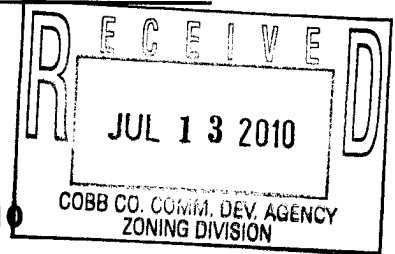
State specifically the need or reason(s) for Other Business: _____

See Exhibit "A" attached hereto and incorporated herein by reference.

(List or attach additional information if needed)

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(STIPULATION AMENDMENT)

Application No.: Z-107 (2005)
Original Hearing Date: July 19, 2005
Date of Zoning Decision: July 19, 2005
Current Hearing Date: August 17, 2010



Application No.: Z-13 (2000)
Original Hearing Date: February 17, 2000
Date of Zoning Decision: February 17, 2000
"Other Business"
Amendment Hearing
Date: October 18, 2005
Current Hearing Date: August 17, 2010

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant/Property Owner: Pulte Home Corporation

Applicant/Property Owner, Pulte Home Corporation (hereinafter collectively referred to as "Applicant"), is bringing this Application for "Other Business" before the Board of Commissioners for the determination of access, maintenance, and preservation issues with regard to historical open space within the development known as Park Avenue Registry and Views (hereinafter collectively sometimes referred to as "Subject Development" or "Subject Property"). During the rezoning of the tract encompassing the majority of the Subject Development on July 19, 2005, being approximately 24.66 acres (Z-107 (2005)), the Cobb County Board of Commissioners imposed the following zoning condition:

Conservation easement in favor of Cobb County for the historical open space area bounded by Oakdale Road with any access, if granted, to be handled by the County per subsequent decision of the Board of Commissioners, along with perpetual maintenance and preservation issues.

By way of a site plan and stipulation amendment, the Board of Commissioners approved historical restrictions and stipulations on the adjacent property which was previously rezoned to RM-12, with stipulations (Z-13 (2000)). The historical stipulations and restrictions were set forth in the letter requesting the stipulation amendments dated October 10, 2005, specifically paragraphs 6, 7, and 8. The historical areas referenced within this stipulation amendment are immediately adjacent to, and continue into, the Property rezoned in Z-107 (2005) to become a part of the overall Subject Development.

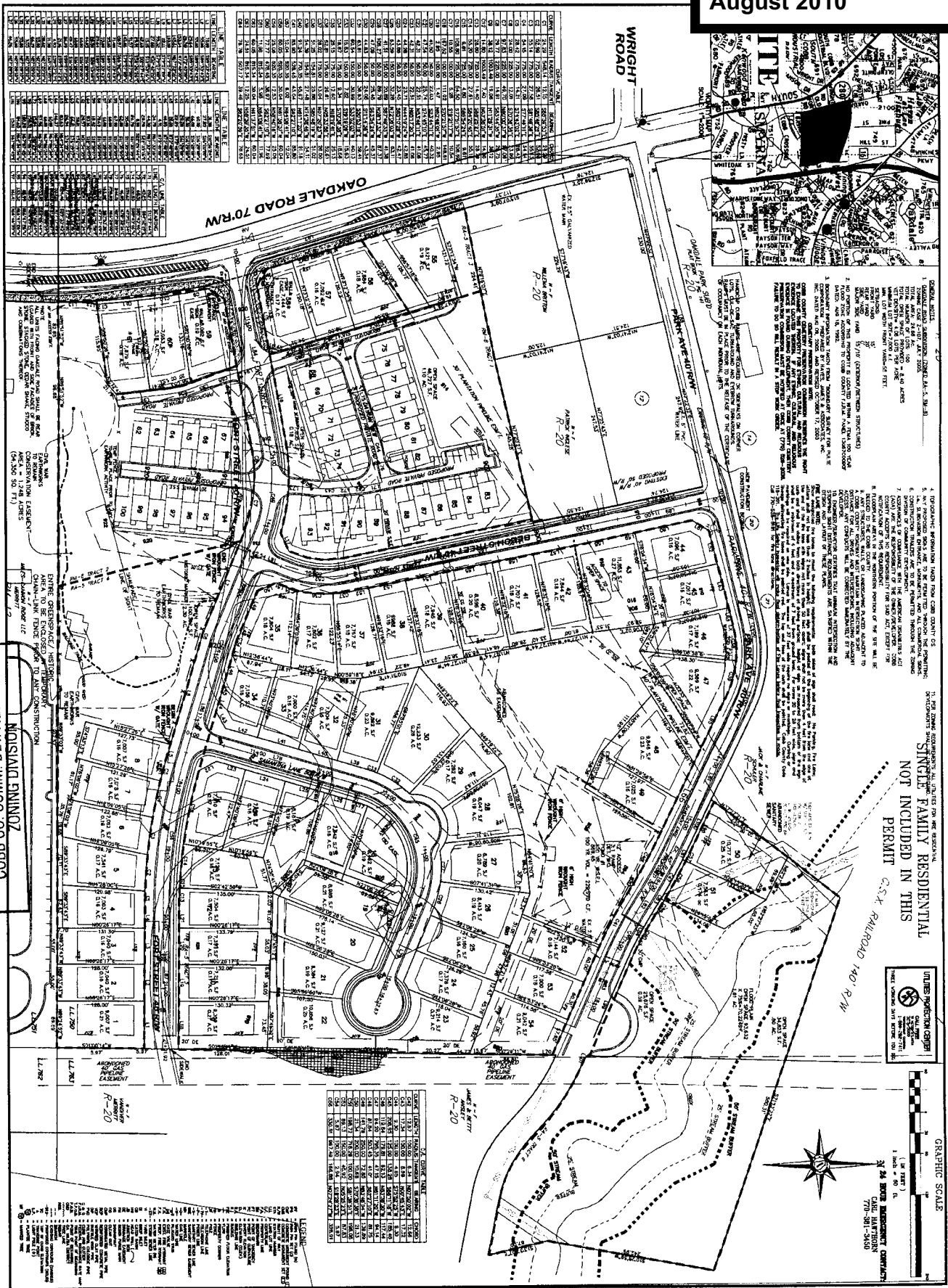
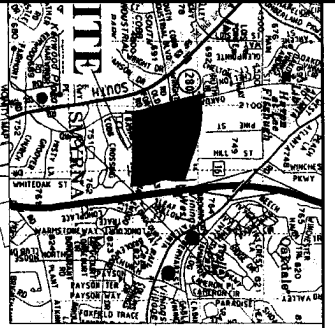
Applicant proposes the historical areas within the Subject Development, as above referenced, be conveyed to the mandatory homeowners association subject to the Conservation Easements in favor of Cobb County, Georgia; and further the association shall maintain the mulch path located within the historical areas and keep the areas free from weeds and other undergrowth. Cobb County, if approved as set forth herein, would be responsible for maintenance and preservation of the historical features and any other major maintenance; including, but not limited to, the trees located within the historical area.

Residents of the Subject Development, as well as the public, would be afforded access from the parking areas adjacent to the historical areas and from the pedestrian paths from Oakdale Road and Fort Street, as more particularly shown and delineated on the referenced site plans, attached collectively hereto as Exhibit "1" and incorporated herein by reference.

The proposed amendment presented herein in no way adversely impacts or affects surrounding properties or property owners. If the requested revisions are approved, as submitted, they shall become an additional part of the final rezoning and shall be binding upon the overall Subject Development.

The balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on July 19, 2005, as to Z-107 (2005); as well as the official minutes and attachments of the Board of Commissioners Zoning Hearings held on February 17, 2000 and October 18, 2005, relating to Z-13 (2000), are unaltered by this requested Stipulation Amendment.

**Item 03
Exhibit "B"
August 2010**



GENERAL NOTES:

1. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL GOVERNMENT.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL GOVERNMENT.
3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL GOVERNMENT.
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9. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL GOVERNMENT.
10. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL GOVERNMENT.

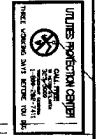
RECEIVED

JUL 13 2010

**COBB CO. COMM. DEV. AGENCY
ZONING DIVISION**

**SINGLE-FAMILY RESIDENTIAL
NOT INCLUDED IN THIS
PERMIT**

C&K RAILROAD HOV R/W

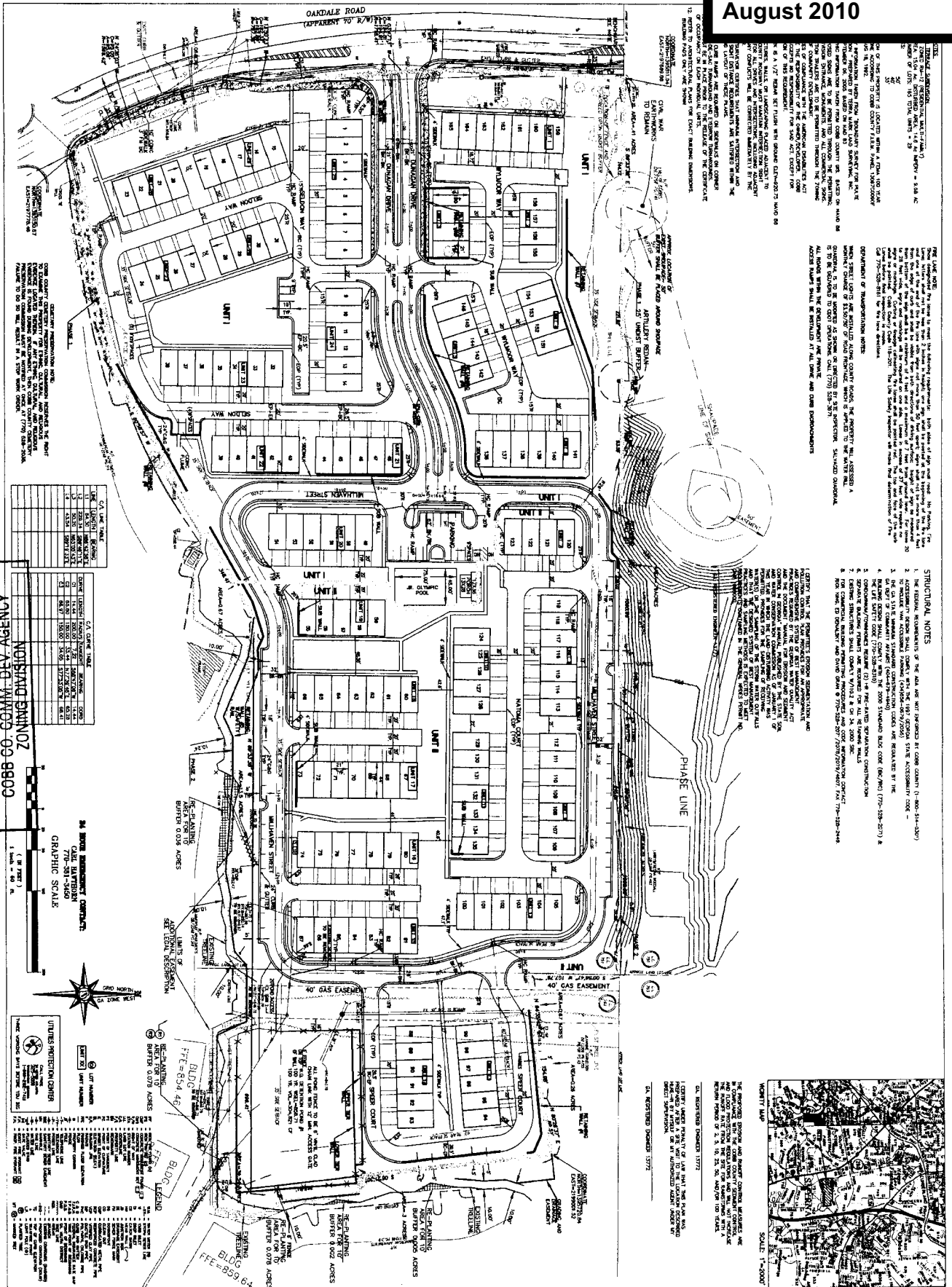


PROJECT NAME: 09147E	DATE: OCTOBER 24, 2009
DRAWN BY: 09147E	SCALE: HORIZ 1"=60' VERT 1"=4'
CHECKED BY: 09147E	
DATE: 09/24/09	

NO.	DATE	BY	APPR.	DESCRIPTION
1	10/24/09	JC	AM	COUNTY SUBMITTAL
2	10/29/09	JC	AM	COUNTY COMMENTS
3	11/13/09	JC	AM	GENERAL REVISIONS
4	11/23/09	JC	AM	GENERAL REVISIONS
5	12/03/09	JC	AM	GENERAL REVISIONS
6	02/09/10	JC	AM	GENERAL REVISIONS
7	03/06/10	JC	AM	GENERAL REVISIONS

**SITE PLAN
FOR
REGISTRY AND TERRACES @ PARK AVENUE
PULTE HOMES
COBB COUNTY, GEORGIA**

HAYES, JAMES & ASSOCIATES
CIVIL ENGINEERS, PLANNERS & SURVEYORS
NORCROSS, GEORGIA
(770) 972-1600



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JUL 13 2010
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

DATE	ISSUE	BY	APPR.
12/08/09	COUNTY SUBMITTAL	AM	AM
2/18/10	COUNTY COMMITTEE	SH	SH
5/13/10	MOVE DETENTION POND WALL	SH	SH
6/13/10	POND WALL REV STORM	SH	SH

DATE: DECEMBER 8, 2009
SCALE: HORIZONTAL 1" = 50' VERTICAL 1" = 10'
ACREAGE: 15.04 ACRES
LAND LOTS: 751 & 782
DISTRICT: 1710 SECTION 2nd
COUNTY: COBB STATE: GEORGIA
DESIGNED BY: DRUMMOND
CHECKED BY: MCDONALD
APPROVED BY: MCDONALD

SITE PLAN FOR VIEWS @ PARKAVENUE (FKA HIGHLAND TERRACE SUBDIVISION) PULTE HOMES
COBB COUNTY, GEORGIA
LAND LOTS 751 & 782, 1710 DISTRICT, 2nd SECTION

HAYES, JAMES & ASSOCIATES
CIVIL ENGINEERS, PLANNERS & SURVEYORS
1700 92nd ROAD
KNOXVILLE, TENNESSEE 37923-1600

PHASE LINE

STRUCTURAL NOTES

1. THE FEDERAL REQUIREMENTS OF THE ADA AND ARIAS (2010-11-01) SHALL BE FOLLOWED FOR ALL NEW CONSTRUCTION.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL RESIDENTIAL CODE (IRC) AND THE 2009 INTERNATIONAL BUILDING CODE (IBC).
3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL PLUMBING CODE (IPC) AND THE 2009 INTERNATIONAL MECHANICAL AND ELECTRICAL CODE (IMC).
4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL FIRE AND ALARM CODE (IFAC) AND THE 2009 INTERNATIONAL SMOKE ALARM CODE (ISAC).
5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL ENERGY CONSERVATION CODE (IECC).
6. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL GREEN BUILDING CODE (IGBC).
7. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL SCHEDULING CODE (ISC).
8. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL SPECIFICATIONS FOR CASTING AND FINISHING CONCRETE AND MASONRY (ACI 308).
9. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL SPECIFICATIONS FOR STEEL DECKING (AISC 308).
10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL SPECIFICATIONS FOR WOOD DECKING (AWC 308).
11. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL SPECIFICATIONS FOR ALUMINUM CURTAIN WALLS (AIA 308).
12. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL SPECIFICATIONS FOR GLASS CURTAIN WALLS (AIA 308).
13. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL SPECIFICATIONS FOR STEEL FRAMING (AISC 308).
14. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL SPECIFICATIONS FOR WOOD FRAMING (AWC 308).
15. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL SPECIFICATIONS FOR CONCRETE (ACI 308).
16. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL SPECIFICATIONS FOR MASONRY (TMS 402).
17. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL SPECIFICATIONS FOR METALS (AISI 308).
18. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL SPECIFICATIONS FOR PLASTER AND GYPSONUM BOARD (ASTM C 840).
19. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL SPECIFICATIONS FOR INSULATION (ASTM C 568).
20. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL SPECIFICATIONS FOR ROOFING (ASTM F 2255).
21. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL SPECIFICATIONS FOR FLOORING (ASTM F 1067).
22. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL SPECIFICATIONS FOR PAINTS AND COATINGS (ASTM D 4259).
23. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL SPECIFICATIONS FOR GLAZING (ASTM F 1067).
24. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL SPECIFICATIONS FOR WINDOW AND DOOR OPERATING DEVICES (ASTM F 1067).
25. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL SPECIFICATIONS FOR WINDOW AND DOOR GLAZING (ASTM F 1067).
26. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL SPECIFICATIONS FOR WINDOW AND DOOR GLAZING (ASTM F 1067).
27. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL SPECIFICATIONS FOR WINDOW AND DOOR GLAZING (ASTM F 1067).
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30. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL SPECIFICATIONS FOR WINDOW AND DOOR GLAZING (ASTM F 1067).